

FILING A COMPLAINT

What constitutes a formal complaint?

Enforcement of the Ethics Act is initiated by a [complaint](#) that can be filed by anyone. A complaint must comply with certain requirements.

It **must**:

- Be filed on the proper EEB complaint form;
- Be delivered or mailed to the EEB, PO Box 40149, Olympia, WA 98504 or emailed to ethics@atg.wa.gov;
- Clearly set forth facts that, if true, would constitute a violation of the Ethics Act; and,
- Identify a respondent (the person who is the subject of the complaint) with enough particularity that the complaint may be served on him or her.

In filling out the complaint form, it is best to complete the requested information with as much detail as possible. In other words, your complaint form **should**:

- If possible, cite to the specific statute or provision that is believed to have been violated;
- Clearly identify any known witness to the alleged violation or other persons with knowledge of the alleged violation;
- Include any documentation supporting the allegations, if available (listed and attached as “Exhibit 1,” “Exhibit 2,” and so on); and
- Identify the source of any statements made in the complaint that are not based on personal knowledge, when possible.

A complaint that is incomplete, or does not contain enough information to allege a violation of chapter [42.52](#) RCW, will not be accepted by Board staff for further action.

The Board will not consider allegations in a properly filed complaint that fall outside their jurisdiction. The Board or its staff may refer such allegations to another appropriate agency with jurisdiction.

While the EEB receives many “tips” for review, only a formal complaint initiates a formal action. A formal complaint is not a vague e-mail, a telephone call or a vague letter written that does not set out, with specificity, actions that violate the Ethics Act. Refer to RCW 42.52 to determine what violations allegedly occurred.

The EEB’s Jurisdiction

All **state officials and employees who work in the Executive branch of state government** are under the EEB's jurisdiction. Certain provisions of the Act also apply to public officials and state employees after they leave state service.

Note: The EEB does not have jurisdiction over other government employees including county or city employees, local law enforcement personnel or K-12 teachers. Citizens need to contact county ethics boards or commissions or local school districts for more information regarding those employees.

The Ethics Act was enacted to prevent state employees or officials from using their public position or authority for personal gain, financial benefit or for the benefit of other person. The Act establishes *minimum* standards of conduct while performing public duties and seeks to remove doubts concerning violations of public trust and confidence, the impairment of independent judgment, and favoritism in the performance of public duties that can be created by outside or personal interests

Relevant statutes and regulations are available on the [EEB's website](#).

Proper Complaint Form

The [complaint form](#) can be obtained from our website, www.ethics.wa.gov

When a complaint has been filed with the Board, neither the complainant, if other than Board, nor any other person shall have special standing to participate or intervene in the investigation or consideration of the complaint by the Board. The complainant is not a party to an ethics case for any purpose; however, the Board staff will give notice to the complainant and the employing agency of any open board hearings on the matter.

Upon receiving a complaint, the Board staff review s it for completeness. If a complaint is complete, it will be accepted for filing. If a complaint is incomplete, the complaint is returned to the complainant with a statement of the reasons the complaint was not accepted.

Once a complaint has been accepted, board staff will review the complaint, determine the extent of investigation required and determine whether the complaint may be dismissed pursuant to RCW [42.52.425](#) and WAC [292-100-045](#).

It is the intent of the Board that Board staff who are investigating a complaint work with the respondent's employing agency, unless in the judgment of the investigator it will impede the investigation. During the course of the investigation, the Board staff shall provide the employing agency with a copy of the complaint or a summary thereof. If a complainant has requested confidentiality under chapter [42.56](#) RCW, the complainant's name and identifying information shall be deleted from the complaint.

The Board staff completes the preliminary review or investigation with a report that is

presented to the Board for any further action. If after a preliminary review or investigation the Board or the Board staff determines that:

- (a) Any alleged violation that may have occurred is not within the jurisdiction of the Board;
- (b) The complaint is obviously unfounded or frivolous; or
- (c) The complaint presents a violation of chapter [42.52](#) RCW, but any violation that may have occurred does not constitute a material violation because it was inadvertent and minor, or has been cured, and, after consideration of all of the circumstances, further proceedings would not serve the purposes of this chapter,

the Executive Director may dismiss the complaint by issuing an order of dismissal.

If the Executive Director dismisses the complaint, the preliminary review or investigation report and a written notice of the Executive Director's Order of Dismissal is provided to the complainant, respondent, and the Board and includes a statement of the complainant's right to appeal to the Board. (See RCW [42.52.425](#).)

If the Board dismisses the complaint, written notice is provided to the complainant, respondent, and the agency. (See RCW [42.52.425](#).)

COMPLAINT PROCESS

The filing of a complaint triggers the following process:

1. Board staff completes a preliminary investigation, which may include informal interviews, subpoenas for documents and testimony under oath;
2. The Executive Director may, upon completion of the preliminary investigation, dismiss the complaint without further action by the Board; or
3. The preliminary report may be presented to the Board for a Reasonable Cause Determination.

At any stage of this process, the Board staff and the respondent may attempt to negotiate the terms of an agreed order to *settle* the matter. Once approved, the stipulation and agreed order becomes public record.

PENALTIES AND OTHER ACTIONS

If the Board finds a violation of chapter [42.52](#) RCW or rules adopted under it, the Board may impose one or more of the following sanctions:

- (1) Reprimand, either by letter of instruction or formal reprimand;
- (2) Recommend to the appropriate authorities suspension, removal from the position, or prosecution or other appropriate remedy;

(3) A civil penalty of up to five thousand dollars per violation or three times the economic value of any thing sought or received in violation of chapter [42.52](#) RCW or rules adopted under it, whichever is greater.

(4) Payment of damages sustained by the state that were caused by the violation and were not recovered by the State Auditor;

(5) Costs, including reasonable investigative costs, that do not exceed the amount of any civil penalty;

(6) Recommend to the Governor and the appropriate agency that they request the Attorney General bring an action to cancel or rescind action taken by the violator, upon a Board finding that:

- (a) The violation has substantially influenced the state action; and
- (b) Interests of the state require cancellation or rescission.

STATUTE OF LIMITATIONS

Per RCW [42.52.540](#), the Board has jurisdiction over an alleged violation for *five years from the date the violation occurred*. After that time, the Board may not take any action.

Please note that the Board has jurisdiction over an employee for five years from the date the violation occurred, *even if* the employee leaves state service in the meantime.

FOR MORE INFORMATION

For more information regarding the Ethics Act as it pertains to filing a complaint, please contact Board staff Monday through Friday, 8:00 a.m. to 5:00 p.m.; 360-664-0871 or via email at ethics@atg.wa.gov.

WASHINGTON STATE EXECUTIVE ETHICS BOARD

ETHICS COMPLAINT FORM

Case No. _____
(Assigned by Board)

1. Please name the person alleged to have violated one or more provisions of the state's ethics law (Chapter 42.52 RCW), and provide the following information, if known. If you are alleging that more than one person may have violated the state's ethics law, file a separate complaint form for each individual.

Name: _____ Work Phone: _____
(Include Area Code)

Position or Title: _____

Employing Agency: _____

Work Address: _____

City	State	Zip Code
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2. Explain how this individual violated the state's ethics law and list the sections of the Ethics Act they violated. Be as specific as possible as to dates, times, places, and actions. Attach additional sheets of paper if the space provided below is not sufficient.

Section(s) of Ethics Act violated:

How these sections were violated:

3. **Disclosure.** Pursuant to RCW 42.56.240 information revealing the identity of persons who file complaints with investigative agencies other than the public disclosure commission, may indicate a desire for disclosure or nondisclosure ***if the complainant believes that disclosure would endanger his or her life, physical safety or property.*** Please indicate your desire for disclosure or nondisclosure by checking the appropriate box and initialing.

☐ I indicate a desire for **nondisclosure because:**

☐ **disclosure would endanger my life**

☐ **disclosure would endanger my physical safety**

☐ **disclosure would endanger my property**

Initials: _____

IF YOU DO NOT SELECT NONDISCLOSURE, YOUR NAME WILL BE DISCLOSED UPON REQUEST.

4. **Attestation.** I declare that the foregoing information is true and accurate to the best of my knowledge.

Your Signature:

Your Printed Name:

Address:

City

State

Zip Code

Daytime Phone: _____
(Include Area Code)

Evening Phone: _____
(Include Area Code)

Date: _____

Please return this completed form to:

**Executive Ethics Board
PO Box 40149
Olympia, WA 98504-0149**

Please return this completed form to:

**Executive Ethics Board
PO Box 40149
Olympia, WA 98504-0149**

If you have questions about this form, or would like to request the form in an alternate format for the visually impaired, contact the Executive Ethics Board at (360) 664-0871 or write us at the above address. We will take reasonable steps to accommodate your needs.

Attach or make reference to any documents or other evidence that may support your allegations. Also provide the names and addresses (if known) of any witnesses or persons who may have knowledge of facts that support your allegations.

This image shows a full page of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page, providing a template for handwriting practice. There are no margins, text, or other markings on the paper.